

006401.00378
10/089,496
Antrim et al.

REMARKS

Examiner Clardy is again thanked for his careful consideration of the present patent application. It is respectfully submitted that the Examiner has misconstrued the teachings of the Wright reference in the claims of the present application. Accordingly, reconsideration is respectfully requested.

The Office Action states:

Wright et al., again, teach that it was known to add lactic acid to corn steep liquor, thus, the method of making the CSL compositions used herein was known It would also appear that applicants' seed termination inhibition method would be inherent in the erosion control method of Wright et al. inasmuch as weed seeds are ubiquitous in the natural environment and inhibition of their germination would necessarily result from the application of the CSL compositions for other reasons such as erosion control.

Based on this reasoning, claims 14-18 stand as rejected under Section 102(a) over Wright, and under Section 103 over Wright in view of secondary references.

Applicants respectfully traverse the Section 102 rejection over Wright. Contrary to the assertion in the Office Action, Wright does not disclose the addition of lactic acid to corn steep liquor. Moreover, at column 5, line 20 *et seq.* Wright discloses:

It may occasionally be observed that germination of grass seed in soil treated according to the method of the present invention is somewhat slower than in similar but untreated soil. This is a purely temporary phenomenon, however, in a reasonable length of time it will be found that essentially the same degree of growth has been obtained in each case. Furthermore, if desired, this effect may be minimized by thoroughly soaking the seed in water before seeding

Given these deficiencies in Wright, it can clearly been seen that no anticipation is present.

006401.00378
10/089,496
Antrim et al.

Applicants further traverse the Section 103 rejection over Wright in view of the secondary references. The combination of reference of the Wright references with the secondary references does not suggest that lactic acid should be added to corn steep liquor. Indeed, this teaching is simply absent from all the cited references, and thus, even considered together, these references for this reason alone do not suggest the present invention. Moreover, the Wright reference teaches that inhibition of germination is only temporary and that it should be avoided by soaking the grass seeds. Wright is fundamentally concerned with soil stabilization, not inhibition of germination, and it is not proper to combine this reference with the secondary references. It is not possible to combine the references to arrive at the invention, where (1) there is no suggestion in any of the references of adding lactic acid to corn steep liquor, and (2) Wright expressly teaches that germination inhibition should be avoided.

Finally, applicants again thank the Examiner for his indication that claims 19-21 are allowable.

006401.00378
10/089,496
Antrim et al.

Conclusion

Allowance is respectfully solicited.

Respectfully submitted,


Allen E. Hoover

Date: 7/2/04

Banner & Witcoff, Ltd.
10 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001